19 22

C.F. 66 (e)—14,824—17-12-21.

Department of Land Revenue & Settlement

OFFICE Board of Revenue

STATION Madras

A5362/22

No. Misc 2590

Dated 22.12.22 22-12-22

Date Initial

4 50

To whom sent

Given for copying

Copied

Examined

Signed

Given for despatch

Despatched 23/12

Indexed

Pages in the file

To be destroyed on

(SUBJECT.) Dt. Muneff. O.S. No 432/22 — Cancellation —

Smith (S. Kanara) Mangalore
Kolekar — Assignment of Land —
Possessori — Offence & proceedings —

* Not to be filled in the case of permanent records.

G.F. 28 1-20

Ref No. V-3-6311-22

Office of the Collector of S.Kanara
Station Mangalore
Date 7th December 1922.

From

M.R.Ry Rao Bahadur S.N.V.Rajachar, Avl., B.A
Collector of South Kanara.

A5362

To

The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

Sir,

Suits - Mangalore - District Munsiff's court - O.S.No.1922-432.

One Damodara Naika has filed the above suit -- against Venkataramana Sheregara for recovering possession from him of S.No.179/9 of Kotekar village and -- Government have only been added as a formal party.

2. The plot in question was assigned to the 1st defendant, Venkataramana Sheregara under the special house site rules on 2-3-16. As, according to the terms of the grant, no house was erected even until 1920, my predecessor, Mr. Ellis cancelled the assignment on 4-3-21. It was assigned to the present plaintiff on 2-10-21.

3. In July 1922, the plaintiff sent a suit notice stating that after he took possession of the plot and began to effect improvements, the 1st Defendant clandestinely trespassed on the lands and prevented the plaintiff from entering on it. As the plaintiff himself -- admitted having taken peaceful possession of the land in accordance with the assignment order made in his -- name, my predecessor recorded the suit notice on the ground that it was not the business of Government to eject the trespasser.

4. The Government Pleader, Mangalore, whom I have consulted, is of opinion that it is unnecessary for Government to file any written statement in the suit, as Government have been impleaded merely as a formal party and as no relief is sought against them. I agree with him andrequest the orders of the Board to let the suit be decided ex parte so far as Government are concerned.

5. The plaint was served on the Collector on 10-10-22 and the suit has been posted to 16-1-23 for hearing.

6. I enclose the records noted in the margin.

1. Records of S.D.R.92/1325 of the Mangalore Taluk Office.
2. Dis file 929-D/Rev.21 of the Mangalore Taluk Office.
3. Records of S.D.R. 8/1331 of the Mangalore Taluk Office.
4. Dis file 4284-22-D of this office
5. Copy of plaint.
6. Copy of Mangalore Government Pleader's opinion.

8/12/22

For Collector.

8/12/22

Date of Hearing 16.1.23

Subject.—

E. F. XXII-A-19—2,026—22-5-22 (6).

AS
S
M1

FOR MEMBER

Suit (S. Kanara) Mangalore Dt. Munsiff - O.S. No 432/22 - Holeikar. Assignment of land. Cancellation - Possession - Defence sanctioned to proceed ex parte

READ AGAIN B.P., No. _____ dated _____ 192

" " " _____, " _____ 192

READ ALSO :—

Register No. 45362/22 From the _____, No. _____, dated 9 _____ 192

" " _____ " " _____, _____, _____ 192.

" " _____ " " _____, _____, _____ 192.

Mem. 21.XII.22

RESOLUTION. No. 2590, dated 22.12.1922

The Board agrees with the Collector that the Suit may be allowed to proceed ex parte.

2. The Collector is requested to Submit a copy of the plaint to be filed in this Office.

Dw 14.12.22 Dw 16.12.22

Dw 19.XII.22

To

The Collector of S. Kanara.

Dw 18.12.22 Issue 22.12.22

with records p2.cf

Note

Govt are only a pro forma dependant. No relief is claimed as against them. Vide para V of the plaint. The Colls proposal may be approved

p5 cf.

Dw.

C.F. 22 1-20.

Ref No. V-3.6311-22

OFFICE OF THE Collector of S.Kanara

STATION Mangalore

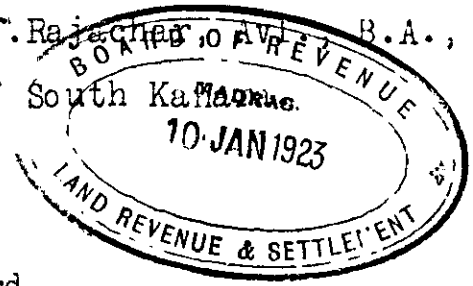
Date 5th January 1923.

A 250

From

M.R.Ry Rao Bahadur S.N.V.Rajachar, B.A.,

Collector of South Kanara



To

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

SIR,

Board's Proceedings Mis. No.2590, dated 22-12-22

Suits - (South Kanara) - Mangalore District Munsiff - O.S.No.432/22 - Kotekar - Assignment of land - cancellation - Possession - Defence to proceed exparte.

A copy of the plaint is submitted herewith.

For Collector.

C.F. 22 1-20.

Ref No. V-3.6311-22

OFFICE OF THE Collector of S.Kanara

STATION Mangalore

Date 5th January 1923.

A 250

From

M.R.Ry Rao Bahadur S.N.V.Rajachar, B.A.,
Collector of South Kanara.

BOARD OF REVENUE
Madras.
10 JAN 1923
LAND REVENUE & SETTLEMENT

To

The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

SIR,

Board's Proceedings Mis. No.2590, dated 22-12-22

Suits - (South Kanara) - Mangalore District Munsiff's - O.S.No.432/22 - Kotekar - Assignment of land - cancellation - Possession - Defence to proceed exparte.

A copy of the plaint is submitted herewith.

For Collector.

In the court of the District Munsiff of Mangalore.

Original Suit No.432 of 1922.

Between:-

Damodara Naika .. .. .. Plaintiff.

AND

1. Venkataramana Sheregara.
2. The Secretary of State for India in Council. .. .. } Defendants.

Plaint under schedule 1 Order VII Rule 1 of the Code of Civil Procedure.

Plaintiff above named begs to state as follows:-

1. Plaintiff is the son of Janardhana Naika, and resides in Kotekar village, Thalpady Magane, Mangalore Taluk.-- His address for the service of all notices and process is as above.

2. 1st Defendant is son of Parameshwara Sheregara and - resides at present in the aforesaid Kotekar village. The --- process of the 2nd defendant may be served on the Collector of South Kanara.

3 (a) The plaint property fully described in the schedule below was conditionally assigned under house site rules to 1st --- defendant on 4th March 1916 by the Tahsildar of Mangalore --- Taluk on condition that he should build a thatched building of specified dimensions should be substantially completed --- on the plot within six months from the date of assignment, that the description and dimensions could be changed only --- with the previouspermission of the Collector, that the --- building should not be in disrepair for a period of one year, and that there should be no alienation, either intervivos or through court within 10 years of the assignment, and that if any of the above conditions should not be complied with Government would cancel the assignment and reenter on the land forthwith.

(b) 1st Defendant having failed to put up the building or effect any other improvements within the specified time, the Collector accordingly exercised the right cancelling the conditional grant, andreentering upon the land by an order dated 4-3-19.1 which was thereafter assigned to plaintiff by an order of the

Tahsildar dated 2nd October 1921.

(c) Plaintiff paid seigniorage, took possession of the lands, and began to effect improvements, putting up a shed and sinking a well etc.

(d) Taking advantage of the fact that plaintiff --- resides about 1½ furlongs from the plaint plot, and of the absence of his workmen, 1st Defendant clandestinely trespassed on the land on 28th November 1921 and by threat of physical force prevented plaintiff and his men from entering upon the land.

(e) Plaintiff thereupon sought redress from the Executive Authorities but was referred to the Civil Courts.

(f) Plaintiff submits that apart from his dispossession by the 1st Defendant referred to above, 1st defendant has no right to remain on the land after cancellation of his grant by the Collector of South Kanara and plaintiff is thus being a subsequent assignee from the Government in any event entitled to possession of the plaint property.

(g) 2nd Defendant has been made a party to avoid any technical objections and the notice of suit to him required by law has been served on the Collector of South Kanara on 11th July 1922.

(h) Hence this suit, the cause of action for which arose since 2nd October 1921 at Kotekar village within the jurisdiction of this court.

4. Plaintiff values the reliefs claimed at Rs for the purposes of jurisdiction and of court fees.

5. Plaintiff therefore prays for a judgment and decree for the following reliefs.

(a) Directing 1st Defendant to surrender the plaint plot to plaintiff. This relief-- is valued at 10 times the Government revenue from the land i.e. 0-8-11 into 10 i.e. Rs.5.9.2 — Rs.5-9-2

(b) Directing the 1st Defendant to pay mesne pro-

date of plaint. Rs.5.9.4

Total. 11-2-6

(c) Directing the 1st Defendant to pay mesne profits at the above rates from this date till delivery and costs of this suit with interest at 6%.

(d) For such other and further relief as the court may deem fit to grant under the circumstarces of the case.

Schedule.

ಕಳ್ಳಿಗ ಕಸ್ಬಾ ರಜಿಸ್ಟ್ರೇಗನ ಮಂಗ್ಳೂರ ಸಬ ಡಿಸ್ಟ್ರಿಟಿ ಸೇರಿದ ಮಂಗ್ಳೂರ ತಾಲೂಕು ವಂಬ್ರ 179 ನೇ ಹೊಬಳಿಕಾರು ಸ್ಯಾವುದ ಸರ್ವೆ ನಂಬ್ರ 179/4 ನೇ ಮುಂಚ ಸೆಂಟ್ಸು ೬೦ ವಿಸ್ತೀರ್ಣದ ರು ೦.೪-೦ ಬೀಳೀಜಿನ ಅಸ್ತಿಯೂ ನಿರುತ್ತದೆ. ಇದರ ಹೊಸನ ತೀರ್ವೆಗೆ ೦.೪.೧೧ ಅ ನಿರುತ್ತದೆ.

Mangalore
October 1922.

Sd ----
Vakil for plaintiff.

I do hereby declare that the facts above stated are all true.

Mangalore.
October 1922.

(True copy)
For Collector.

S.M.M.6-1-23.

8.1.23.